

REMARKS

Claims 1-10, 27, 28, 30-40, 57, 58 and 66-68 are pending. Claim 30 has been canceled. Claims 1, 31, and 66 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

It appears the Examiner has reinstated the finality of the election/restriction requirement that was entered in the Office Action mailed on March 11, 2003. Applicants' response to the election requirement was an election of Group I, claims 1-60 and 66-68, and Species I, Figs. 2a, 2b. As stated in the March 11, 2003 Office Action, claims 1-10, 27, 28, 30-40, 57-58 and 66-68 related to Species I, Figs. 2a, 2b. Here, the Examiner withdrew claims 11-26, 29, 41-56, 59 and 60, asserting that these claims were drawn to Species IV that illustrates a ring embodiment for the switch for the hand piece. In response to the requirement, Applicants wish to redirect the Examiner's attention to §806.04(d) of the M.P.E.P. which states:

“Once a claim that is determined to be generic is allowed, all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously allowable in view of the allowance of the generic claim, since the additional species will depend thereon or otherwise include all of the limitations thereof.”

Applicants also wish to redirect the Examiner's attention to §809.02(c) of the M.P.E.P. which states:

“Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.”

According to the Examiner, claim 1 is generic. Therefore, Applicants respectfully wish to point out that upon the allowance of generic claim 1, then the withdrawn claims that depend therefrom should also once again be allowable and should pass to issue with the generic claim.

claims are patentable over the combination of the cited references, and a notice to that effect is earnestly solicited.

In view of the patentability of amended independent claims 1, 31, and 66 for the reasons set forth above, dependent claims 2-10, 27, 28, 30, 32-40, 57, 58, 67, and 68 are also patentable over the cited references.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

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Respectfully submitted,

By 

Alphonso A. Collins

Registration No.: 43,559

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant